

REMARKS

In accordance with the foregoing, claims 8 and 10 are amended. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims are respectfully requested.

Claims 1-10 are pending and under consideration.

ITEM 1: OBJECTION TO CLAIMS 8 AND 10 UNDER 37 CFR 1.75(c)

The Examiner objects to claims 8 and 10 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. (Action at page 2).

Claims 8 and 10 are amended herein. Applicant submits that claims 8 and 10 comply with 37 CFR 1.75(c) and withdrawal of the objection is requested

**ITEM 3: REJECTION OF CLAIMS 1-2, 4-8 UNDER 35 U.S.C. §102(e) AS BEING
ANTICIPATED BY YAMAMURA ET AL (US PAT. 6,567,265)**

Claims 1-2 and 4-8 are rejected under 35 U.S.C. §102(e) as being anticipated by Yamamura et al. (US Pat. 6,567,265).

Yamamura discusses an apparatus having a casing in a protective housing and an elastic member provided between the casing and the protective housing. (See, for example, col. 3, starting at line 50).

In contrast to Yamamura, independent claim 1 recites a damping apparatus including "a vibration absorbing member installed between the first and second members, wherein at least one of the first and second members has elastic hooks that are elastically catchable by respective edge portions of the corresponding object for joining the member to the corresponding object."

In contrast to Yamamura, independent claim 6 recites a damping apparatus for a hard disk drive "wherein the lower plate is elastically hookable to the base plate."

As provided in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must teach every aspect of a claimed invention. Yamamura does not support an anticipatory-type rejection by not describing features recited in the present application's independent claims.

The Examiner mistakenly contends that Yamamura "disclose(s) in figure 1 . . . elastic hooks 17 that are elastically catchable by respective edge portions of the corresponding object for joining the member to the corresponding object wherein the vibration absorbing member is a

rubber member (column 6, lines 31-32)." (Action at page 3).

Applicant submits that Yamamura does not discuss "elastic hooks that are elastically catchable by respective edge portions of the corresponding object for joining the member to the corresponding object (emphasis added)," in the lines cited by the Examiner or anywhere else."

Rather, Yamamura merely discusses elastic members 17 (see, for example FIGs. 6 and 9) placed between first and second members and where (col. 9, starting at 45) the elastic members 17 are compressed so that the elastic member merely contacts a housing.

CONCLUSION

Since features recited by independent claims 1 and 6 are not taught by the cited art, the rejection should be withdrawn and claims 1-2 and 4-8 allowed.

ITEMS 4-5: REJECTION OF CLAIMS 3, 9-10 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER YAMAMURA IN VIEW OF SHINODA ET AL (U.S.P. 4,873,149)

Claims 3, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamura in view of Shinoda et al (US Pat. 4,873,149).

Shinoda discusses vibration-damper metal sheets. An *arguendo* combination of Yamamura and Shinoda discusses an apparatus having a casing in a protective housing and an elastic member provided between the casing and the protective housing with vibration -damper metal sheets.

In contrast to the cited art, dependent claim 3 recites a damping apparatus "wherein at least one of the first and second members is made of a stainless steel plate plated with nickel substantially preventing effects of electromagnetic interference."

In contrast to the cited art, independent claim 9 recites a damping apparatus for lessening electromagnetic interference of a hard disk drive, including "a first member made of a stainless steel plate plated with nickel joinable to the hard disk drive;... wherein the second member is provided with elastic hooks catchable at respective edge portions of the base."

Applicant submits that these features are not discussed by the art relied on by the Examiner, alone or in combination.

As provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F. 2d 1981, (CCPA 1974)."

The Action concedes that Yamamura does not discuss first and second members made

of stainless steel plated with nickel. (Action at pages 3-4).

The Examiner mistakenly contends this feature is discussed by Shinoda citing col. 4, lines 23-40. (Action at page 4).

However, Shinoda merely discusses (col. 4, lines 23-40) "stainless steel plates and nickel-chromium-molybdenum steel plates; non-ferrous metal plates, e.g. aluminum plates, copper plates, titanium plates and nickel plates."

That is Shinoda does not discuss stainless steel "plated with nickel."

Further, regarding claim 9 above Yamamura does not discuss "elastic hooks that are elastically catchable by respective edge portions," but merely elastic members between objects

Conclusion

Since features recited by claims 3 and 9-10 are not discussed by the art relied on by the Examiner, alone or in combination, and *prima facie* obviousness is not established, the rejection should be withdrawn and claims 3 and 9-10 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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